PDF PAGE 1, COLUMNS 1, 4, & 8

PDF PAGE 1, COLUMN 1

“MAN HIGHER UP” SOUGHT IN FISHER “PLOT”

New Trial For Frank Opposed in Thirty Affidavits

PDF PAGE 1, COLUMN 4

TWO JURORS

DEFENDED OF BIAS

Probity of Henslee and Johen-ning Upheld—Influence of Cheering on Jury Denied

Some 30 affidavits to support the State's contention that Leo M. Frank had a fair trial were made public Tuesday by Solicitor Dorsey. They will be used Wednesday in the fight against the defense's motion for a new trial before Judge L. S. Roan.

Some of the affidavits defend the probity and character of A. H. Henslee and M. Johenning, jurors who were accused of bias; some attack the trustworthiness of affiants for the defense, and others assert that no influence could have been exerted on the jury by the "cheering" and "demonstrations" on which the defense is basing much of its theme of appeal.

Samuel Aaron, whose affidavit was quoted as attacking the sincerity of Juror Henslee, was himself attacked by T. M. Webb, whose impeachment was in the usual form, that he would not believe Aaron on his oath, having known him many years.

Calls Neill Bad Character.

W. P. Neill, the defense's affiant, who stated he saw a spectator "talk one of the jurors and grab him by the hand," is referred to in the affidavit of W. J. Clayton, of the Central Carriage Company, as of bad character and one whom Clayton would not believe under oath.

Plennie Miner, Deputy Sheriff, also refers to the affidavit of Neill. He states, under oath, that one day in the courtroom he thought he saw a spectator say something to a juror, without rising, or touching him, or making any other gesture. He (Miner) at once went to the spectator, in order to take him before the judge, but the man denied having addressed any juror, and another man, sitting next him, also assured Miner that his companion had not spoken to any juror, so the deputy let the incident close.

T. S. Hawes, of Bainbridge, Ga., impeached R. G. Gremmer, stating that he had known the defense's affiant twenty years and that he would not believe him under oath.

Time Element Enters.

In the interval of preparing the affidavits Mr. Dorsey stated that he fancied those affiants who had sworn to hearing Henslee say Barnesville “some time in June” that he had been drawn on the jury would be puzzled on hearing that Henslee, as a matter of fact, did not know himself that he was drawn on the jury until Friday, June 25, at 5 o’clock in the afternoon; that he remained in Atlanta Saturday and Sunday, and did not start for home until Monday.

The Solicitor evidently had been calculating on the various dates on which Henslee might have been charged with saying he was “on the Frank jury,” but what deductions he had made would have to appear later.

For the rest of the prosecution’s affidavits, Henslee praised Johenning as a juror without bias or prejudice: Johenning praised Henslee is similar terms, and J. T. Ozburn, F. E. Winburn, W. F. Medcalf, W. M. Jeffries, D. Townsend and A. L. Wisley, fellow jurors, commended both Henslee and Johenning as high-minded examples of justice and moderation.

Henslee Doubtful of Guilt.

It was the invariable testimony of his fellow jurors that Henslee was the only juror to cast a “doubtful” ballot, indicating that he was the most reluctant to make up his mind on what all the rest of the jurors seemed to have agreed on.

There was much testimony in regard to the cheering and “demonstrations,” attending to show that the

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PDF PAGE 19, COLUMN 1

THIRTY AFFIDAVITS HIT PLEA OF LEO FRANK

FOR NEW TRIAL ON CHARGE OF KILLING GIRL

Thirty Witnesses Swear to Good Character of Accused Jurors And Deny Influence on Jury.

Continued From Page 1.

only cheering recognized as such was heard in open court, until the last day of the trial, when a burst of applause followed the reading of the verdict and was heard by the jurors as the poll was being taken.

The jurors all professed to have been utterly ignorant of any cheering except what was stated, and insisted that what they heard could not have had any effect upon their decision since it had been reached before the real cheering was heard.

Heard No demonstration.

As to the demonstrations in favor of Dorsey, there were a dozen affidavits by jurors and deputies to say that the jury was at such a distance, or in such a place, that only a confused and

indistinct noise was heard. One or two of the jurors fancied at the time that there was a fight in progress somewhere.

C. F. Huber and A. F. Pennington, deputies having charge of the Frank jury, contradicted the affidavit of Samson Kay for the defense, and stated they heard no cheering or demonstration of any kind the afternoon of Friday, August 22, or after the noon hour Saturday, August 23.

Perhaps the most interesting reading in the pile was Johenning's own account of the conversation related by Mrs. Jennie G. Lovenhart and Miss Miriam Lovenhart, in the course of which it was charged that he stated a belief in Frank's guilt.

Johenning asserts in his affidavit that he was talking of the case with Mrs. Lovenhart and Miss Lovenhart, and they asked him what he thought of it.

"I replied that by the papers they have found him guilty already," says Johenning, "and added that I thought Frank would have a hard time getting loose; that things didn't look very bright for him."

Expressed No Opinion.

Johenning insists that he said no more than that, and that he entertained no fixed opinion at that time, and did not arrive at a fixed opinion until hearing the full evidence in court.

T. W. McGarity came to the support of Joehenning's character, declaring it good, and asserting he would believe him on oath. Similar affidavits, all warmly worded, were made by Dr. W. C. Robinson, O. H. Puckett and R. N. Weaver.

Quite an array of complimentary affidavits came from Barnesville to the support of A. H. Henslee. Among them were those of W. H. Howard, J. C. Collier, T. W. Cochran, P. K. Gordy, J. E. Howard and C. O. Summers, J. D. Lochridge, formerly of Douglas, Ga. Professed to know the juror well and favorably.

An inkling of some plan of the Solicitor may be hidden in a small affidavit made by Joe Murray, clerk at the New Albany Hotel, Albany, Ga. He said that A. H. Henslee was a guest at that hotel the night of June 2, and also registered there before the noon meal September 18, 1913. Of course, if Henslee was not in Albany between those dates he could not have made any statement about his chance as a talesman.

Arnold and Dorsey Confer.

Reuben R. Arnold, of counsel for Frank, and Solicitor Dorsey held a conference beginning at 2 o'clock Tuesday afternoon for the purpose of coming to an agreement on the exact grounds upon which the argument for a new trial will be based. It was expected that if there were to be any conflict between the opposing attorneys it would develop on this question.

Solicitor Dorsey is known to have taken issue with the defense on a number of points as the affidavits made public Tuesday indicate. He will strenuously resist any effort on the part of Frank's lawyers to establish that there was sufficient disorder or demonstrations in the courtroom at any time either unduly to influence or intimidate the jurors. He already has answered this charge by the affidavits denying that there was cheering in the courtroom at times specified by the defense.

Judge Roan, before whom the argument will be heard Wednesday, will be the final arbiter on the questions which remain disputed by the attorneys. The hearing is scheduled to begin at 9 o'clock in Judge Bell's court on the first floor of the old City Hall Building, Pryor and Hunter streets. Both sides are prepared to go ahead with the arguments and there appeared no probability of further delay.

PDF 1, COLUMN 8

JOE HICKS IS NOW BEING SOUGHT

He Is the Man Who Went With Fisher to Chief of Police.

A search extending over two States was begun by the police Tuesday in an effort to locate Joe Hicks, companion of Ira W. Fisher. Hickk is the man who accompanied Fisher to the office of Chief of Police Bodeker in Birmingham when Fisher made his weird but quickly discredited accusation of the murder of Mary Phagan against J. C. Shirley, of 809 Marietta Street, Atlanta.

Chief of Detectives Lanford and Charles J. Graham, attorney for Shirley, believe that they will have disclosed the deeply laid plot against Shirley, if such a plot actually has existed, when they have forced Hicks to talk and when they have grilled Fisher in a sober condition. Threats were made yesterday that two prominent Atlantans might be arrested if any basis were found for belief in the plot theory. Later it was said that a searching investigation was being made of the possibility that a man still higher up was the moving spirit in a diabolical scheme to fasten the crime on an innocent man.

Graham was undecided Tuesday as to whether Fisher's sensational story was merely the vaporings of a disordered and crazy intellect or the outcropping of a genuine conspiracy that had gone wrong through the inability of Fisher to tell a convincing story.

"I think we all know all when we find this man Hicks, who Fisher says was his constant companion Parksville, and later in Birmingham," said Graham. "Hicks, played a mysterious part in

the affair. Fisher himself admitted that Hicks did most of the talking when they went to the office of Chief Bodeker. Hicks appears to have told most of the story and Fisher merely corroborated it."

"There also is the possibility that Hicks suggested the story to Fisher from day to day, and finally built up in Fisher's mind the structure of the ridiculous tale he has told in Birmingham and here in Atlanta, a story which was startling enough as a simple, and direct accusation, but which broke down the instant the man was forced to give any alleged details."

Blackmail Is Suggested.

"We are working on several possibilities. One is that there was a conspiracy against Shirley. If there was such a plot, it may have been engineered alone by Fisher. Hicks may have been a party to it. In this case, it was simple blackmail."

"There also is the possibility that Fisher or Fisher and Ricks were merely tools in a conspiracy and that the real conspirators are men higher up. If this is the case, Atlanta will have a sensation the like of which it has not experienced in years. On the other hand, the whole story may be simply the ravings of a drunken and besotted mind. Fisher's own relatives say that he was an extraordinary liar when in his cups."

"Ordinary conditions were reversed Tuesday. Shirly, the accused, was walking the streets a free man. Fisher, the accuser, was occupying a cell in the police station. A charge of criminal libel has been preferred against him, but there is some question as to whether this charge can be made to stand in view of the fact that so far as is known Fisher made no written charges against Shirley. Lawyers in general have expressed themselves as believing that no charge beyond slander can be pre-

FISHER STICKS TO STORY

UNDER FIERCE GRILLING

OF LAWYER AND POLICE

Continued From Page 1.

ferred against him because all of his charges were verbal."

Fisher will be arraigned before Justice of the Peace Puckett, probably Wednesday.

Grand Jury Called On.

That the Fulton County Grand Jury will be asked to investigate the origin of the accusations was the statement made by Graham.

This action was decided upon following a lengthy conference between Shirley, Graham and Chief of Detectives Lanford. Its purpose will be to determine whether Fisher's story was the result of a conspiracy against Shirley or simply the result of a drink-crazed mind.

A rigid probe to the foundation of the story will be asked. Persons named by Fisher as his associates since his departure from Atlanta will be questioned, especially those with whom he had dealings just prior to the time he appeared before Chief of Police Bodeker in Birmingham and made his startling statements.

If the investigation shows that others had a hand in the accusations against the furniture dealer, they will be prosecuted together with Fisher on a conspiracy charge. Many believe that this will prove the fact.

Attorney Graham stated that he would have a conference with Solicitor Dorsey later in the day and an early date for the Grand Jury probe would be fixed.

Two Atlanta men and one Birmingham man are threatened with arrest on charges of conspiracy. A searching investigation by Chief Lanford and Attorney Graham will decide whether this move will be taken. Graham said Tuesday that he would make a decision as soon as reports had been made to him on certain rumors that had come to his ears.

Shirley said that he either would put Fisher in the asylum or in the penitentiary. He will bring his books to the police Tuesday to show a complete alibi. Lanford has instituted an investigation of the charges of conspiracy and you will make arrests at once finds them substantiated. Two of the men named in the alleged conspiracy have been identified with the Frank case. The other one is known to have been with Fisher in Birmingham.

It was pointed out by Chief Lanford Tuesday that were Fisher’s story true in every particular, there is nothing in it to connect Shirley with the murder of Mary Phagan. The name that Fisher said Shirley mentioned as that of the girl he was to meet was Hattie. Shirley asserts that he never even knew Mary Phagan by sight.

Fisher Locked Up.

Fisher was put under arrest at the police station on the charge of criminal libel, the complaint being sworn to by Russell Shirley, a brother of J. C. Shirley. Short shrift was given him after he had repeated his weird story Monday night in the presence of the man he accuses.

The warrant had already been made out, and as soon as it became apparent that Fisher, said by some to be an irresponsible drunkard and dope fiend, was going to stick by his story, Chief of Detectives Lanford gave the paper to Detective John W. Starnes and Fisher was locked up.

Fisher underwent a searching examination that lasted more than three hours. His detailed story first was taken by G. C. Febuary, secretary to Chief Lanford. Little effort was made at this time to cross-examine him, the purpose being to get his story together as he originally had told it so that every feature might later be investigated with a view of disproving or substantiating it.

Chief Lanford and Detectives Starnes and Coker then put Fisher through a severe questioning and he then was taken out in the police automobile to visit several of the places he said he had been with Shirley on the day of the crime. While he was gone S the request of Chief Lanford, came to the police station. Shirley went into the chief’s office. As soon as Fisher came back he was bustled without any warning right into the room. Standing before him was the man he accused.

Fisher was taken aback for an instant, but recovered himself at once. He was placed in a chair near the chief and the questioning was resumed. Chief Lanford, Charles J. Graham, attorney for Shirley; Russell Shirley and the accused man himself took turns in firing questions at the stolid figure in the chair. Aside from a nervous movement of his hands, and a frequent stroking of his face on which there was a four days’ growth of beard, he showed no sign that he was disturbed by the unusual position in which he found himself.

Shirley Isn’t Held.

Because of the positive statements contained in the first announcement of Fisher's story and the terrible charge against Shirley that was implied in its words, some possibility existed that Shirley might be held at the police station until the story had been investigated.

So many glaring improbabilities and conflicts, however, crept into the man's narrative that Chief Lanford declared that he couldn't think of holding Shirley on the strength of Fisher's story, which he branded manifestly impossible.

The trip to No. 132 Bellwood Avenue developed one of the reasons for disbelief in Fisher's statement. Mrs. William Holloway lives here. Fisher said that he went in a wagon with Shirley to this house the morning of April 28 to deliver a dresser. When the officers and Fisher drove up to the house Monday night, Mrs. Holloway declared that Fisher and Shirley never had delivered anything there, and that she had not bought a dresser for years. This blow to his tale did not daunt Fisher in the least. He still stuck to his assertion that they went there that morning and delivered the furniture.

Another of his statements which gave tangible cause for disbelief was that he had seen no crowd on the streets April 26, which was Memorial Day, either while he was waiting at Marietta and Forsyth streets from about 1 until 3 o'clock in the afternoon or while he and Shirley, according to his story, were driving across Peachtree Street and down Decatur Street and then to the Union Station.

He said that he noticed no crowd on the streets at all other than would naturally be on any Saturday afternoon. The progress of his wagon never was stopped at any time he was driving from one place to another. It is claimed that this alone brands his story as ridiculous, as there were large crowds on the street.

Still another discrepancy which the police say is in his story is that he first said that he met C. W. Burke, agent for Attorney Luther Rosser, on Friday night in Birmingham. Before the

detectives he declared that the first time he saw Burke was last Saturday night when Burke met him on the street and brought him to Atlanta. Burke also is declared to have said that he met Fisher first on Friday night.

Burke Did Talking.

Fisher was questioned very closely about who had talked to him in Luther Rosser's office. He said that Rosser and Reuben Arnold had not talked to him at all, but that Burke had done most of the examination. "They told me up there that I would have a hard time down there if the detectives got hold of me," he naively told Langford.

Fisher gave all of his replies in a calm, almost disinterested voice. When he charged Shirley with going to the pencil factory to meet Mary Phagan, he jeered his thumb carelessly toward Shirley who sat the other side of a table.

"You did it; you know you did it," he said to Shirley.

"You lie, you skunk; you know d—well you lie!" retorted Shirley, and he started from his chair in a menacing manner. Detectives grabbed Shirley and averted a fight."

This dramatic scene was enacted when Shirley was brought to headquarters to face his accuser. Quiet was restored and Fisher was ordered to tell his story in the furniture man's presence.

"The Saturday of the murder Shirley and I drove down to Broad and Marietta streets in his wagon. We had delivered a bureau to a Mrs. Holloway on Bellwood avenue. We stopped near the corner and Shirley said he wanted me to hold the horse while he went to the pencil factory, where he had a date, he said, with 'Hattie,' the pet name for Mary Phagan." Fisher paused and Shirley was on his feet in an instant.

Called "Liar and Bum."

You’re a measly liar and I’ll prove it, you drunken ‘bum,” shouted Shirley, his eyes lighting up with a dangerous fire. “Why don’t you tell the truth and quit lying?” Shirley, half mad with rage, was almost dragged into his chair by Charley Graham, his attorney.

Fisher was told to continue.

“I waited about an hour and a half for Shirley,” started the man again, his eyes roaming about the room, as though in search for a place he could look where no eyes would catch his gaze. “He got back between 2:30 and 3 o’clock.”

“I’ve played hell in general,” he said to me. Then he said I had better get out of town.”

Fisher again paused, and looking Shirley straight in the eyes for the first time, said:

“That’s straight. Mr. Shirley, and if you’ll tell the truth you’ll admit it.”

Once more Shirley arose in a threatening attitude, but took his seat again.

“I didn’t want to get out of town and told Shirley so, but he threatened me and said I would have to get out. We drove to the Union Depot and he purchased me a ticket for Ellijay. He gave me $25. He went in the car with me and left me. If I hadn’t have been afraid of him I wouldn’t have gone away. I stayed in Ellijay two weeks then came back to Atlanta.

Tells of Threats.

“I stayed here two weeks then went to Copper Hill, Tenn., because Shirley wanted me to and because he threatened me. You know you threatened me Shirley—you know you did,” and the strange man shook his head in a dogged manner.”

“Shirley sent me some letters with money in them. Two he sent contained $25 each. Another one contained $8.”

“I’ve told the truth and it’d all come out sooner or later,” declared Fisher with the air of a philosopher.

Efforts to shake the mans’ story were without results. He would answer most any question in an unconcerned way and refused to be tangled up by the questions put to him by Graham, the chief and by reporters.

“You are telling a most wondrous tale”, said Graham, “but you had better tell the truth before you get sent to jail for criminal libel.”

Denies Using Drugs.

“I know what libel is retorted Fisher, “and you can’t send a man to prison for telling the truth.”

“What Kind of dope do you use, morphine or cocaine?” someone “shot” at him.

“None,” said Fisher.

“You look like you did,” said one of the detectives.

“That’s because I need a drink—got one?” he replied.

And undoubtedly, he did need one.

He had been given all the whisky he wanted while in the hands of the attorneys, and was reluctant to leave such a nice abode. His face needed a hour’s work by a barber and a bath would not have harmed him.

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PDF PAGE 2, COLUMN 1

BATTLE ON FOR NEW FRANK TRIAL

PDF PAGE 2, COLUMN 7

STRUGGLE CENTERS ON CLAIM OF DEFENSE OF PRJUDICE OF JURORS

Vanquished by the verdict of guilty in their first prolonged battle for the life of Leo M. Frank, the lawyers for the convicted man renewed the bitterly contested struggle Wednesday morning before Judge L. S. Roan in the State Library where they advanced their reasons for insisting that a new trial should be given their client.

Solicitor Dorsey, the same determined figure that he was during the four weeks in which he was weaving the net of evidence about the man accused of the murder of Mary Phagan, was present to fight every move of the veteran attorneys for the defense.

Opinion was pretty well divided before the hearing began as to whether Judge Roan would accede to the demand for a new trial. Many pers who agreed that the verdict of guilty was a just one were convinced that a new trial would have to be granted on the strong evidence of prejudice and bias which has been gathered against Jurors Henslee and Johenning.

About as many believed that it would be granted on general principles of law involved. Still others had assured themselves from a close investigation of the conflicting contentions of the Solicitor and the lawyers for the defense that there would be no course open to Judge Roan but the overruling of the motion and a denial of a new trial.

In the event that a new trial is denied, Frank's attorneys will immediately carry the case up to the Supreme court of the State for review and have intimated that their fight will not stop there if the higher court rules against them.

The effect that the weird story told by Ira W. Fisher will have upon the outcome of the motion is regarded as nil. Fisher's ridiculous accusations possibly served to influence the popular mind one way or another, but it is most unlikely that they even will be mentioned either by the Solicitor or counsel for the defense, or given consideration by Judge Roan.

Dorsey at Office Early.

The hearing was set to being in Judge Bell's courtroom on the first floor of the old City Hall, Pryor and Hunter streets, at 9 o'clock Wednesday morning, but was transferred to the State Library. Solicitor Dorsey left his home early and put the finishing touches on his preparations in his office across the street from the courthouse. Attorneys Rosser and Arnold also had a brief

conference before the hearing and then announced themselves ready to proceed.

One of the main contentions of the defense was that at least two of the jurors who decided the fate of Frank—A. H. Henslee and Marcellus Johenning—had decided that Frank was guilty before they were called upon the jury or ha heard the evidence presented.

Frank’s lawyer also maintained that the jurors were intimidated, or at least unduly influenced, by the demonstrations that were made during the trial. The crowds unmistakably were hostile to the defendant, they argued, and the jurors could not help but notice this.

That there was disorder in the courtroom which it was hardly possible to suppress was argued from a conversation between Judge Roan and Deputy Sheriff Plennie Miner. The Judge was quoted by Frank’s lawyers as saying during one of the many disturbances: “Can’t we have order in this courtroom?”

Deputy Miner is alleged to have replied: “We can’t have order, your honor, without clearing the courtroom.”

Cheers for Solicitor.

The cheering that greeted Solicitor Dorsey several times toward the close of the trial also was called to the attention of the court as one of the grounds for a new trial, Jim Conley’s testimony in regard to Frank’s alleged conduct with women in his office in the pencil factory was used

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PDF PAGE 7, COLUMN 1

DEFENSE LAWYERS AND

DORSEY BOTH CONFIDENT OF VICTORY BEFORE ROAN

Continued From Page 1.

as a basis to argue that the court had been in error in admitting certain evidence into the record.

Solicitor Dorsey and Reuben Arnold were inconference Tuesday afternoon for the purpose of coming to an agreement on the exact grounds on which the new trial would be argued. The Solicitor objected to a number of contentions advanced by the defense, and these were left for the decision of Judge Roan.

PDF PAGE 2, COLUMN 7

BOARD VOTES TO

CLEAR ACCUSED POLICEMAN

A red-hot session of the Police Board Tuesday night ended with the charges of alleged brutality against Patrolman John D. Wood being dismissed by the commissioners, Mrs. Elizabeth Southard, daughter of a Methodist minister, who brought the charges, bitterly denounced the methods of the police department and of its officers. Miss Alief Benton, of Macron, sister of Mrs. Southard, scored the men who freed Wood.

Speaking of the acquittal, Miss Benton, eyes snapping and face flushed from excitement and from fury, declared:

“The last of this outrage is yet to be heard. The good people of Macon are with me and in sympathy with my sister and will not condone the act of an ungentlemanly man connected with a corrupt police department. It’s a dirty shame and a disgrace to Atlanta.”

The Complaint.

The act which caused the charges to be preferred is alleged to have been committed April 23, last, when Patrolman Wood, who lived next door to Mrs. Southard on Moreland Avenue near Faith Street, is supposed to have dug a ditch which drained the water from his yard into Mrs. Southards yard. The woman says

she remonstrated with the policeman and he placed her under arrest, picking her up when she refused to go with him and carrying her to the street where he held her until to patrol arrived.

Mrs. Southard says her 1-year-old baby was dangerously ill with the measles at this time, and claims Wood refused to let her go into her house to see that it was being cared for while she was under arrest.

Miss Mable Hardeman, who lives in the same neighborhood, told the commissioners that she fainted when she heard the screams of Mrs. Southard as she was being “dragged” to the patrol wagon.

The Police Board dismissed the charges after listening to a bitter argument by Colonel Lewis Thomas, attorney retained by Mrs. Southard.

Several members of the board wanted to dismiss the charge and completely exonerate Wood, but Chairman Carlos Mason declared he was in favor of the charges being dismissed after Wood was reprimanded by Chief Beavers. This was agreed to, and the finding was unanimous.

In the prosecution of Wood, Attorney Leonard Grossman, associated with Colonel Thomas, charged Chief Beavers with shielding Wood.

Chief Beavers denied the charge.

PDF PAGE 3, COLUMNS 1 & 7

PDF PAGE 3, COLUMN 1

ROSSER BITTERLY ATTACKS DORSEY

PDF PAGE 3, COLUMN 7

CHARGES SOLICITOR IS TRYING TO HANG FRANK ON THE DOTTING OF 'I'

Agreed by Solicitor Dorsey's persistent objections in the wording and grounds of the reasons for a new trial for Leo M. Frank, Luther Rosser, chief of counsel for Frank made a virulent attack upon the Solicitor during the hearing Wednesday, charging that a attempt was being made to hang a man upon the mere matter of the dotting of an "I" or the crossing of a "T."

"This is the most marvelous affair I have ever witnessed," Rosser declared. "We are sitting here peanutting and flyspecking

as though someone were suing for a cow killed on a railroad track, instead of arguing the broad grounds for a new trial for a man whose life is at stake."

"They are trying to hang a man on the mere technicality of the dotting of an "I" or the cross of a "T."

Attorney Reuben Arnold who has assisted Attorney Rosser in the preparation of evidence for a new trial, reinforced the charges of Rosser by the accusation that Solicitor Dorsey was using a high-power microscope in an effort to pick out every conceivable point which might argue against another trial, without regard for actual justice.

Hearing in Capitol.

A small room in the State Library in the Capitol Building was the scene of the arguments. Besides the half-dozen men who were trying to save Frank and the two who were there to block efforts to keep the convicted man from the gallows and judge Roan, were a dozen newspaper men and people directly interested in the result of the arguments.

Outside were two dozen curious people who were not allowed in the room.

Judge Roan sat near the center of a long table. To his left was Herbert Haas, Leonard Haas and Reuben Arnold, attorneys assisting Luther Rosser. On the judge's right was Solicitor Dorsey and Assistant Solicitor Stevens.

Luther Rosser, big and deep-toned as usual, was in the center of the room. The pounding of his heavy cane on the floor always preceded his saying anything.

A coal fire in a grate warmed the room, the walls of which were shelved with dust-covered volumes of old authors.

Financial Sheet in Dispute.

A hot dispute developed over the incorporation of the entire financial sheet in the brief of evidence as soon as the hearing

began. This wrangle was followed by a series of others over practically every reason that was put forward by the defense.

Before the hearing had progressed far, it became evident that unless the opposing attorneys could reach some sort of an armistice the hearing would last four or five days. Attorney Rosser declared during a heated argument with the Solicitor that the hearing would drag out two weeks if Dorsey continued his objections to every paragraph of the brief.

Arnold and Rosser, in supporting their reasons for a new trial, charged that the stenographers had failed to make a record of many of their objections and the grounds of the objections.

Dorsey defended the stenographers, and said they had recorded the words of the different attorneys. Refuting this statement, Arnold called attention to several places in the record where the stenographers had merely made the notation: “Counsel argued this question pro and con.”

Questions Its Import.

Dorsey’s objection to the first reason in the defense’s brief was that the use of the whole financial sheet magnified this feature of Frank’s case beyond its proper importance in a condensed brief of evidence.

“We couldn’t boil that down,” said Attorney Arnold, “because its object is to show the volume of work that

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PDF PAGE 8, COLUMN 1

STRUGGLE FOR FRANK’S

LIFE, BITTERLY FOUGHT, MAY LAST MANY WEEKS

Continued From Page 1.

Frank did on April 26, and how long it took."

"Then we are entitled to all of our evidence in extenso if that goes in," replied Dorsey.

Arnold retorted that the defense stood absolutely on its right to have the whole financial sheet in the brief.

Judge Roan did not decide on this point at the time, and the attorneys passed on to the brief, reason by reason. His observation that the object of the financial sheet could be but one thing—to demonstrate how long a time its compilation required—indicated that he was inclined to listen to Arnold's contention.

The Judge did not decide on the first basis for argument advanced by the defense that the court erred in letting in Lee's testimony that Detective Black talked longer to him than did Frank, from which the Solicitor argued that Frank was not interested in getting the truth from Lee.

Second Ground Passed.

The second ground for a new trial also was left for future discussion. It was that the court was in error in letting in Lee's

testimony that Frank talked to him less time than Reuben Arnold, one of Frank's counsel, later talked to him at the time.

Part of the third reason was struck out upon objection of Dorsey. The contention of the defense was that the court was in error to let Detective Starnes testify that Newt Lee was at the time of his arrest composed and showed no signs of trying to get away. Solicitor Dorsey late refusing it to make a comparison with Frank who was said to be nervous. The reference to Lee making no endeavor to escape was stricken out, the defense's objection to the remaining testimony being that it was illegal, unwarranted and prejudicial.

Detective's Evidence Challenged.

In succeeding reasons, the defense argued for a new trial on the contention that the court had erred in letting in Starnes testimony that the conversation between himself and Frank over the telephone, April 27, was "guarded;" in permitting before the jury the chart of the pencil factory, with its red lines and Greek crosses, illustrating the State's theory of the case; in allowing Detective Black to testify that Frank when he saw him on one occasion a month before the tragedy was not nervous; in allowing Black to testify that Frank the morning he was taken to the police station had "employed" Herbert Haas and Luther Rosser as his counsel, and in forbidding Black to answer that Lee had admitted to him that the bloody shirt found at his home was his own.

In the event that a new trial is denied, Frank's attorneys will immediately carry the case up to the Supreme Court of the State for review and have intimated that their fight will not stop there if the higher court rules against them.

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Solicitor Dorsey and Reuben Arnold were in conference Tuesday afternoon for the purpose of coming to an agreement on the exact grounds on which the new trial would be argued. The Solicitor objected to a number of contentions advanced by the defense, and there were left for the decision of Judge Roan.

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PDF PAGE 4, COLUMN 1

FRANK LAWYERS ATTACK CONLEY'S STORY

PDF PAGE 4, COLUMN 4

ROSSER, FRANK'S ATTORNEY, AND
JUDGE ROAN ON WAY TO COURT

Judge L. S. Roan.

Luther Z. Rosser

PDF PAGE 4, COLUMN 7

STORY OF IMMORALITY CENTER OF STRUGGLE IN REHEARING BATTLE

The testimony of Jim Conley, which led to the bitterest fight in the trial of Leo M. Frank, again was the bonus of acrimonious contention at the hearing for a new trial before Judge L. S. Roan Wednesday.

That the defense is determined to make a desperate fight for a new trial because the revolting story told by the negro of Frank's alleged immorality was allowed to get in the record and never was expunged was made evident when Attorney Rosser and Arnold marshaled before the judge a series of reasons for another trial, all base don the fact that the testimony was allowed to go before the jury during the trial and again while the arguments were in progress.

Fighting back savagely at every move of Frank's lawyers, disputing every doubtful point with the same insistence and

determination that marked his conduct of the Phagan murder trial and remaining undisturbed by the caustic remarks of Arnold or the more vigorous attacks of Rosser, Solicitor Dorsey presented an obstinate figure throughout the day's hearing, which was but preliminary to the struggle which will follow when the actual arguments are begun.

The first day was devoted to a review of early portion of the defense's 115 reasons for a new trial.

Deadlock Soon Comes

So insistent was the Solicitor that every reason be given in conformity to the testimony and evidence as he interpreted it that the hearing had not progressed far when the noon recess was taken. The Solicitor and Attorney Arnold had endeavored to come to an agreement on the grounds for the new trial the day before, but they became deadlocked almost on the first reason submitted by the defense and on this account it was decided to take the entire motion with the 115 reasons before Judge Roan for his adjudication.

Rosser repeatedly charged Dorsey with quibbling, splitting hairs and on one occasion intimated that the Solicitor was seeking to hang a man "on the dotting of an 'I' or the crossing of a 't'.

The hearing had not progressed to the fifteenth of the 115 reasons by the end of the forenoon hearing. No mention had yet been made of the charges of bias and prejudice against Jurors Henslee and Johenning. The early reasons had to do with errors which the court had committed, according to the contentions of the defense, in letting in certain testimony of Detectives Black and Starnes and Newt Lee and keeping out a part of that of Black.

Conley's testimony became the subject of heated discussion immediately on the reading of the tenth reason of the defense. In this it was argued that the court had been in error in denying the motion of the defense to strike out all of Conley's testimony in regard to the alleged perversion of the defendant on the ground

that it was immaterial, irrelevant, illegal and highly prejudicial to Frank.

The Solicitor was instant with his objection to this being one of the grounds for the arguing of a new trial. He contended that this motion by the defense had not been made at the time the evidence was put in.

Arnold retorted that the objection was put in and that the records showed it. The Solicitor conceded that the motion had been made, but called attention to the fact that this action had not been taken by Frank's lawyers until after Conley had been cross-examined by Rosser a day and a half.

Dorsey Scores a Point.

Dorsey was successful in his effort to have added to the reason the fact that the motion was made and denied only after this lapse of time. The attorneys for the defense maintained that the cross-examination up to the time the motion was made never had touched on the subject of perversion and this also was incorporated in the reason, the Solicitor having the privilege of investigating the records on the question.

Sections 10 and 11 dealt with the same subject except that one was in narrative form and the other in questions and answers. Both were certified to by Judge Roan after the revisions had been made.

"Don't you think you had better add five minutes to that day and a half, or, at least two minutes," sarcastically inquired Attorney Rosser, annoyed by the Solicitor's determination to have the time the motion was made become a part of the reason.

Violates Ruling's Spirit.

Conley's testimony cropped up again in the twelfth reason. Here it was maintained that, after Judge Roan had ruled that no specific acts of immorality on the part of Frank should be testified to, Solicitor Dorsey merely changed the wording of his questions and openly violated the spirit of the court's ruling.

Dorsey first had asked Conley about Frank's conduct with women at the factory and when this was ruled out, he asked, instead, what Conley did when women came to the factory. Conley replied that he watched at the door while the women went to Frank's office. This, according tot eh contentions of the defense, involved Frank exactly as much as the previous question and answer would have done.

Dorsey argued that asking Conley about his own movements at the factory did not violate the judge's ruling in regard to the specific acts of Frank. With slight revision, the reason was permitted to stand.

The court was charged with error again because of the overruling of the motion of the defense that all of Conley's testimony bearing on the alleged immorality of Frank be stricken from the records as irrelevant, immaterial and highly prejudicial to the defendant in that it disgraced him before the jurors and convicted him in their eyes, not because he was guilty of murder, but because they believed him guilty of perversion and depravity.

The indications Wednesday were that the review of the reasons would

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ROSSER CHARGES DORSEY WITH TRYING TO HANG ON

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not be completed before Friday. After this the arguments will take place.

A small room in the State Library in the Capitol Building was the scene of the arguments. Besides the half dozen men who were trying to save Frank and the two who were there to block efforts to keep the convicted man from the gallows and Judge Roan, were a dozen newspaper men and people directly interested in the result of the arguments.

Outside were two dozen curious people who were not allowed in the room.

Judge Roan sat near the center of a long table. This left was Herbert Haas, Leonard Haas and Reuben Arnold, attorneys assisting Luther Rosser. On the judge's right was Solicitor Dorsey and Assistant Solicitor Stevens.

Luther Rosser, big and deep-toned as usual, was in the center of the room. The pounding of his heavy cane on the floor always preceded his saying anything. A coal fire in a grate warmed the room, the walls of which were shelved with dust-covered volumes of old authors.

Financial Sheet in Dispute.

A hot dispute developed over the incorporation of the entire financial sheet in the brief of evidence as soon as the hearing began. This wrangle was followed by a series of others over practically every reason that was put forward by the defense.

Before the hearing had progressed far, it became evident that unless the opposing attorneys could reach some sort of an armistice the hearing would last four or five days. Attorney Rosser

declared during a heated argument with the Solicitor that the hearing would drag out two weeks if Dorsey continued his objections to every paragraph of the brief.

Arnold and Rosser, in supporting their reasons for a new trial, charged that the stenographers had failed to make a record of many of their objections and the grounds of the objections.

Dorsey's objection to the first reason in the defense's brief was that the use of the whole financial sheet magnified this feature of Frank's case beyond its proper importance in a condensed brief of evidence.

"We couldn't boil that down," said Attorney Arnold, "because its object is to show the volume of work that Frank did on April 26, and how long it took."

"Then we are entitled to all of our evidence in extenso if that goes in," replied Dorsey.

Arnold retorted that the defense stood absolutely on its right to have the whole financial sheet in the brief.

Judge Roan did not decide on this point at the time, and the attorneys passed on to the brief, reason by reason. His observation that the object of the financial sheet could be but one thing—to demonstrate how long a time its compilation required—indicated that he was inclined to listen to Arnold's contention.

The Judge did not decide on the first basis for argument advanced by the defense that the court erred in letting in Lee's testimony that Detective Black talked longer to him than did Frank, from which the Solicitor argued that Frank was not interested in getting the truth from Lee.

Second Ground Passed.

The second ground for a new trial also was left for future discussion. It was that the court was in error in letting in Lee's testimony that Frank talked to him less time than Reuben Arnold, one of Frank's counsel, later talked to him at the time.

Part of the third reason was struck out upon objection of Dorsey. The contention of the defense was that the court was in error to let Detective Starnes testify that Newt Lee was at the time of his arrest composed and showed no signs of trying to get away. Solicitor Dorsey later using it to make a comparison with Frank who was said to be nervous. The reference to Lee making no endeavor to escape was stricken out, the defense's objection to the remaining testimony being that it was illegal, unwarranted and prejudicial.

Detective's Evidence Challenged.

In succeeding reasons, the defense argued for a new trial on the contention that the court had erred in letting in Starnes testimony that the conversation between himself and Frank over the telephone, April 27, was "guarded;" in permitting before the jury the chart of the pencil factory, with its red lines and Greek crosses, illustrating the State's theocracy of the case; in allowing Detective Black to testify that Frank when he saw him on one occasion a month before the tragedy was not nervous; in allowing Black to testify that Frank the morning he was taken to the police station had "employed" Herbert Haas and Luther Rosser as his counsel, and in forbidding Black to answer that Lee had admitted to him that the bloody shirt found at his home was his own.

In the event that a new trial is denied, Frank's attorneys will immediately carry the case up to the Supreme court rules against them.

The effect that the weird story told by Ira W. Fisher will have upon the outcome of the motion is regarded as nil. Fisher's ridiculous accusations possibly served to influence the popular mind one way or another, but it is most unlikely that they even will be mentioned either by the Solicitor or counsel for the defense, or given consideration by Judge Roan.

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Frank Lawyers Aid Fisher Plot Search.

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Should fisher be released, it is quite probable he will be sent back to Birmingham. Burke said that he promised Fisher if he

would come to Atlanta, he would pay his fare back, and he is ready to stand this expense.

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PDF PAGE 5, COLUMN 1

JUDGE’S ADMISSION HELPS FRANK

PDF PAGE 5, COLUMN 4

ROSSER, FRANK’S ATTORNEY, AND
JUDGE ROAN ON WAY TO COURT

Judge L. S. Roan.

Luther Z. Rosser

PDF PAGE 5, COLUMN 7

CERTIFIES TO CHEERS IN COURT; HEARING MAY GO ON ALL WEEK

Prospects for a new trial for Leo M. Frank were made much brighter Wednesday afternoon by Judge Roan’s certification of the defense’s description of the disorder and demonstration in the courtroom on various occasions during Frank’s trial. The judge’s official approval of this fact as a ground for argument will give the defense an invaluable advantage when the arguments begin, and also before the Supreme Court in the event that it becomes necessary to carry the fight for Frank’s life to the higher tribunal.

The facts to which Judge Roan certified were contained in the defense’s charge that immediately on the announcement that Conley’s testimony, taken to show perversion and immorality and acts wholly dissociated from the charge of murder, was to stand, there were immediate cheers, clapping of hands and stamping of feet in the courtroom.

Jury In Adjacent Room.

The jurors were in an adjacent room at the time, so close, in the opinion of Judge Roan, as to be able readily to hear the demonstration.

The defense also held that the court was in error when it refused at the time to grant a mistrial for which Attorney Arnold moved, and did not clear the courtroom as was demanded by both the attorneys for the defense.

It also was charged by the defense that during the examination of one of the witnesses the crowd made a jeering demonstration against Attorney Arnold.

Judge Roan certified to all of these facts as represented by the defense, a circumstance which is regarded as most favorable to Frank’s chance for a new trial.

Solicitor Dorsey won a slight victory when the battle ranged around section 13 of the motion which declared that the Solicitor had continued his cross-examination of witnesses to draw out particular acts of immorality on the part of the pencil factory superintendent when Judge Roan had ruled against such questions. Mr. Dorsey demanded that this particular reference to him in the motion be struck out and it was granted by Judge Roan, after a bitter struggle.

Calls Testimony Prejudicial.

Another point brought up for arraignment by counsel for the defense was the testimony of Conley that he had been refused admittance to Frank’s cell when taken to the Tower by detectives. Attorney Arnold ascribed this testimony as irrelevant and prejudicial before the jury and declared that the court errored in admitting it.

From that point the fight veered to section 16 of the motion pertaining to the testimony of Mrs. Arthur White, wife of a machinist at the pencil factory. The defense declared that the court erred in permitting the State to draw from the witness the fact that she had not reported the fact that she saw a negro in the factory on the day of the murder until three days later, and then to attorneys for Frank. Attorney Rosser stated that such testimony was a direct reflection on the witness and the defense.

Rosser repeatedly charged Dorsey with quibbling, splitting hairs and on one occasion intimated that the Solicitor was seeking to hang a man “on the dotting of an ‘I’ or the crossing of a ‘t’.

No mention had yet been made of the charges of bias and prejudice against Jurors Henslee and Johenning. The early reasons had to do with errors which the court had committed, according to the contentions of the defense, in letting in certain testimony of Detectives Black and Starnes and Newt Lee and keeping out a part of that of Black.

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ROSSER CHARGES DORSEY WITH TRYING TO HANG ON SLIGHTEST TECHNICALITY

Continued From Page 1.

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Dorsey defended the stenographers, and said they had recorded the words of the different attorneys. Refuting this statement, Arnold called attention to several places in the record where the stenographers had merely made the notation: “Counsel argued this question pro and con.”

Questions Its Import.

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FLASHLIGHT AT POLICE STATION
PRINCIPALS IN NEW FRANK MYSTERY

J. C. Shirley, The merchant named by

Fisher as Mary Phagan's slayer.

On the left I. W. Fisher, the "mystery witness," is seen facing Chief of Detectives Lanford.

PDF PAGE 6, COLUMN 3

Shirley's Books Give Alibi; Accounts Hit Fisher's Story

J. C. Shirley declared to Chief of Detectives Lanford at the police station Tuesday morning, when he called there with his lawyer, Charles J. Graham, that he could easily account for his

movements on the day Mary Phagan was murdered and that this would establish a complete alibi.

Shirley's statement to the chief was verbal, the latter informing him that an affidavit was wholly unnecessary, as there was no charge against him. For this same reason the merchant was not required to go into details.

Shirley explained that he has all of his books and records in use in his store on April 26, the day of the murder, and that these showed that no delivery of furniture was made at any place on Bellwood Avenue on that date. This refutes the statement of Ira W. Fisher, the "mysterious accuser," that he aided Shirley that day in delivering a dresser at the Holloway home, No. 132 Bellwood Avenue, and that it was there that the merchant told him of his engagement of that afternoon with "Hattie."

"I never went out in my wagon that day at all," Shirley told the chief. "I remember very well that it was an unusually busy day with us in the store, and I was kept there practically the whole of the day. I remember distinctly that both of my hired boys one white and the other a negro, got mad at me because I wouldn't let them off at 12 o'clock. It being Memorial Day they wanted to go downtown to see the parade."

Went to Terminal Station.

"The negro boy, as I recollect it, drove the 'calico' mule and the wagon all day. This is the mule referred to by Fisher in his story about my driving it to Bellwood avenue and later down town. Only once did I leave the store for any considerable time. Shortly after 1 o'clock, in, the afternoon I went to the Terminal Station to meet a man, who was going away on the train and who promised to pay me a bill if I would see him there. I was back in the store about 2 o'clock. I stayed there then until 8 or 9 o'clock at night, when we closed the store."

Shirley said he was prepared to go more fully into detail in a sworn statement as to his movements should it become necessary.

“I don’t think that it will ever become necessary, however, for that fellow Fisher is the greatest scoundrel unhung, or else is a dangerous lunatic, “remarked the merchant with a smile.

“It’s just a question of whether he ought to be in the penitentiary or the madhouse.”

Explaining his acquaintanceship with Fisher, he added:

“I first knew Fisher in 1911, when he moved next door to my shop here. He came over here and I sold him, on time, a large quantity of furniture. He fooled around about the bill, did little work and much drinking, and finally in 1912 I went over and told him I would have to bring the furniture back to my place.

“His wife came to me and said that if I would change the account to her, she would pay the bill. She said that if she paid it and left the furniture in her husband’s name, he would steal it and sell it to buy whisky.”

Wife Got Furniture.

Shirley’s friends nodded their approval.

“I changed the account for her and she paid the bill and a short time later, after her husband had left town, she moved farther down the street. I didn’t see Shirley for some time, then one day he came and borrowed a dollar from me. Then it was a long time before he came around. Previous to his borrowing the dollar, he used to hang around the store.”

The crowd around the popular furniture dealer knew all about Fisher and many admitted that he had stung them for small amounts.

“Along in August of this year, a long time after Mary Phagan was murdered, I saw Fisher and he paid the dollar. He was wearing good clothes and had money and he apologized and told me that he wanted to pay all his debts, to re-establish his good standing.”

Calls Fisher Drunken Tramp.

“I never knew where the pencil factory was until I read accounts of the murder in the papers and saw pictures of the building. Then one day while down town I passed by and a crowd of people were out in front and I stopped, and learned that the building was the factory where Mary Phagan had been murdered.

“Until after the murder I didn’t know a soul at the factory and then I learned that two girls who live across the street here worked there.”

“Fisher is a liar and a drunken tramp and nobody will believe anything he says. I will see that he goes to jail for what he has done if there is any way I can manage to send him there.”

Old Charge of Murder Is Revived.

DALTON, Oct. 21.—Suspicions of murder once held against Ira W. Fisher are to be brought up once again in a new investigation as a result of Fisher’s activity in the Frank case.

Years ago, Fisher was a witness in a whisky case in Superior Court here and Judge G. G. Glenn, representing the defense, impeached him. Twelve or fifteen of the country’s most responsible citizens swore on the stand that they would not believe Fisher on oath. Fisher left here soon after the death of his brother-in-law, Dug Steele.

Frank Lawyers to Aid in Search for Fisher Plot

In the effort to solve the mystery of the alleged conspiracy out of which the tale of Ira W. Fisher attempting to connect J. C. Shirley with the murder of Mary Phagan, the attorneys for Leo M. Frank will assist the furniture dealer, according to C. W. Burke, who has assisted Luther Rosser and Reuben Arnold.

He said he would find the address of Joe Hicks, the Birmingham man who went with Fisher in the office of Chief Bodeker and related his story, which created such a sensation.

“I am perfectly willing to do my share in running this affair to the bottom, and if there is anything like blackmail connected with it, I will do all I can to have the parties convicted,” said Burke.

“Restless, continually puffing at cigarettes, and giving indications of a breakdown, Fisher remains in his cell at the station house. A hearing before Justice of the Peace Puckett will be given him some time to-day but he expresses no fear of it, asserting that he is speaking the “immaculate truth.”

There is strong belief in the minds of the officers that Fisher will break down and tell the real reason of his fanciful tale—whether it was the concoction of his own brain or a plot.

Shirley's brothers, Russell and Frank Shirley, are more bitter toward Fisher than he is himself. J. C. Shirley is inclined to think that Fisher is crazy. The brothers believe otherwise and will push the charges which they have brought against him.

Should Fisher be released, it is quite probable he will be sent back to Birmingham. Burke said that he promised Fisher if he would come to Atlanta, he would pay his fare back, and he is ready to stand this expense.

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Fakes Like Fisher Have Kept Attorneys Hustling

Reuben Arnold, of counsel for Frank, expressed his regret Wednesday that so much had been made of Fisher's charge.

"If that fellow's story had not reached the newspapers, do you know what would have happened?" he inquired. "Why, Fisher would have been brought here quickly and his story investigated by us just as hundreds of other crazy rumors and stories have been investigated since this murder occurred. When we found out that there was nothing to it and that he was crack-brained or a

dope-fiend or a habitual drunkard, as the case might have been, we simply would have turned him loose-and nobody would have heard anything about it."

"We have investigated hundreds of just such stories, some of which were even more startling than Fisher's. As soon as we found out that they were fakes or the products of diseased imaginations, we dropped them at once and no one except ourselves was the wiser."

"Because this fellow went to the chief of police in Birmingham the papers got hold of his story and there was an immediate sensation that startled people in two States. When it collapsed, as it appears to have done, I have no doubt that suspicious people began at once to say that it was simply a move by Frak's friends, not realizing that we have punctured a story of this kind and dismissed it from our minds nearly every day since Frank's trial began last July.

Every Kind of Story.

"Some of the stories that have come to us were so ridiculous on their face that we could not afford the time to give them any investigation. Others came right out and named the murderer so positively as to carry a certain degree of conviction with them. These we ran down, found that there was nothing in them and said nothing about them to the public."

"Many of the communications that came to us were about Conly himself. Most of them were lies, as we found when we made an attempt to verify them."

The person who pestered Attorneys Rosser and Arnold the worst lived in Nashville, Tenn. While his stream of telegrams, sent collect, and his daily letters were extremely annoying to the lawyers, they were amusing to others who were aware of their contents.

This man assumed entire direction of the conduct of the case for Frank, and wired instructions to Attorney Rosser almost

hourly. Before the trial was over he had accused fifteen or twenty witnesses called by the State of the murder, or, at the least, complicity in the crime.

Wire Tolls Mount Up.

He suggested the line of questioning that the attorneys should pursue with many of the witnesses, and went so far as to give the names of girls in the factory who he said knew all about the crime. Because the attorneys were receiving telegrams frequently from reliable persons in different parts of the State, it was almost impossible to refuse those sent by the Nashvhille man, and as a result an enormous bill for telegraph tolls mounted up.

He supplemented his telegraphic communications by letters on every mail. His persistent plea was: “For God’s sake, don’t let an innocent man hang. If I were not a poor man, I would come to Atlanta at my own expense.”

His veiled hint for transportation, needled to say, went unheeded.

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THE JURY SYSTEM OF GEOR-

GIA ON TRIAL===A Vital

Question That Interests Every Man and Affects the Integrity of the Courts.

There has been projected into the proceedings in the matter of a motion for a new trial for Leo M. Frank a question of the gravest importance to every man and woman in the State of Georgia; and one that should be studied carefully and thoughtfully, for it is deeper than some of the legal points involved in the arguments to be made for a new trial for Frank.

The affidavits published extensively in all the newspapers and now filed in court, to the effect that one of the jurors in the Frank case had expressed violent prejudice against the accused before the trial, and, therefore, was disqualified to act as juror, bring forward an issue that the people everywhere in our State have a right to discuss, for if our jury system fails, the whole fabric of our courts is destroyed.

Whether Frank is entitled to a new trial or not may safely be left to the wisdom of the eminent judges whose duty it is to consider the whole case.

It IS NOT the duty of newspapers to express opinions on disputed points of law while the case is still undecided and in the hands of judges whose fairness is unquestioned, and whose knowledge of the law is conceded.

Judges oof our courts in the future, as in the past, may be depended upon to safeguard the interests of those who come before them accused of crime, as well as the interests of the public, and all that is comprehended in the term society.

If it be true that one of the jurors expressed him as reported, he was, of course, **UNFITTED TO ACT AS A JUROR**, and it is this point in which the great public is interested. WE must be sure that every juror, in any case, petty or capital, is honest, fearless, open-minded, and willing to render a verdict according to the evidence.

Every man sitting in the jury box wants to know that the man next to him has the same integrity of purpose that he, the honest man, has, and every property holder and every person on trial for his life wants to know and FEEL SURE the verdict as rendered shall be without premeditation or malice, and based on the evidence brought forth in court and on the interpretation of THE LAW laid down by the honorable judge.

CONSIDERED IN ITS BROADEST SENSE, THE WHOLE JURY SYSTEM OF GEORGIA IS NOW ON TRIAL.

Leo M. Frank’s guilt or innocence is not bound up in that question at all. Judge Roan and the higher courts will decide justly and fearlessly the legal points raised by counsel, and decide without regard to anything except the law and the facts.

It is a waste of time and energy to talk seriously of the stability of any of our institutions, and PARTICULARLY OF THE IMPREGNABILITY OF OUR COURTS, unless every man and woman in the community is absolutely certain that THE JURY SYSTEM HAS NOT FAILED anywhere, even in part.

“In the administration of justice, and especially criminal justice, it is quite as important that justice appear to be done, as that it be done.”

This is the eloquent summing up of a great jurist, who spent years on the bench, and was a master of criminal law.

The time to study great questions of vital importance is when these questions are uppermost in the public mind, and THE TIME IS NOW to consider the defects in our jury system, and the protection to be thrown around the selection of jurors in the future.

Not only is this a matter of fairness to those who may be accused, but fairness also to those who may not know that a GREAT CRIME or a great tragedy can be committed in the name of THE LAW.

And while the words THE LAW may seem ponderous and unintelligible to some people, there is a definition so simple and clear that even a child can understand:

“What thou would not have done to thyself, do not thy neighbor.”

THIS IS THE WHOLE LAW. ALL ELSE IS COMMENTARY.

It is the Golden Rule “to do unto others as you would have others do unto you.”

And no matter how many lawbooks have been written, or how many thousands may be written in the future, they will be merely commentaries on the definitions foregoing given.

Our present judiciary has aptly been described as “exact, scrupulous and minute.” And it is most important that it should be kept so.

We would be glad to hear from readers of this newspaper and receive any ideas or suggestions they may have as to safe-guarding jurors in the future, and making the jury system of our State so strong that it will not break down anywhere.